

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant (s): Chung P. Park

Application No.: 09/762,161

Group Art Unit: 1711

Filed: May 27, 1999

Examiner: Morton Foelak

For: FOAMS USEFUL IN SOUND MANAGEMENT

I HEREBY CERTIFY THAT THIS CORRESPONDENCE, COMPRISING A TOTAL OF 24 PAGES (ORIGINAL PLUS COPY), IS BEING TRANSMITTED TO FAX PHONE NUMBER (703) 872-9310 OF GROUP ART UNIT 1711 OF THE UNITED STATES PATENT AND TRADEMARK OFFICE ADDRESSED TO: COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231, ON:

July 24, 2003

BY

ROBERT S. LELKES

WHO'S SIGNATURE APPEARS BELOW:

Robert S. Lelkes

SIGNATURE OF PERSON SIGNING CERTIFICATE

July 24, 2003 @ 11:30 AM EST

DATE & TIME OF SIGNATURE

Commissioner for Patents

P.O. Box 1450

Washington, D.C. 22313-1450

Sir:

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Pursuant to Applicant's duty of disclosure under 37 CFR §1.56, the Examiner's attention is directed to the information identified in the attached Form PTO 1449. A copy of all cited patents and printed publications is attached. An IDS fee sheet is submitted concurrently and incorporated herein by reference.

The Examiner is requested to review this information and formulate his own understanding thereof.

Respectfully submitted,

Robert S. Lelkes

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44306 A

INFORMATION DISCLOSURE STATEMENT

(Use Several Sheets if necessary)

ATTY DOCKET NO. 44306A

SERIAL NO. 09/762,161

APPLICANT: Chung P. Park

FILING DATE: May 27, 1999

GROUP: 1711

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIATE
		3,573,152	3-1971	Wiley <i>et al.</i>	161	60	

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	PUBLICATION DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION	
							YES	NO
		WO 96/10600	4-1996	WIPO	C08J	9/10		NA

OTHER DISCLOSURES (Including Author, Title, Date, Pertinent Pages, Place of Publication, Etc.)

	C1	
	C2	
	C3	

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to Applicant.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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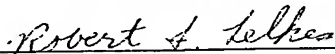
For: FOAMS USEFUL IN SOUND MANAGEMENT

I HEREBY CERTIFY THAT THIS CORRESPONDENCE, COMPRISING A TOTAL OF 4 PAGES, IS BEING TRANSMITTED TO FAX
 PHONE NUMBER (703) 872-9310 FOR GROUP ART UNIT 1711 OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
 ADDRESSED TO: ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231, ON:

August 19, 2002

BY
ROBERT S. LELKES

WHO'S SIGNATURE APPEARS BELOW:



SIGNATURE OF PERSON SIGNING CERTIFICATE

19 August 2002, before 8 AM EST (2 PM CDT)

DATE & TIME OF SIGNATURE

Assistant Commissioner for Patents
 Washington, D.C. 20231

Sir:

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Pursuant to Applicant's duty of disclosure under 37 CFR §1.56, Applicant requests consideration of the information provided below.

Starting sometime in 1997, a subsidiary of the assignee of this patent application, The Dow Chemical Company, namely Dow Deutschland Inc. (now known as Dow Deutschland GmbH & Co. OHG), was working on a low cost polyethylene foam plank dubbed "GREYFOAM" intended for packaging applications. A product information sheet for this product is attached together with a Form PTO-1449.

The cell size tolerance of GREYFOAM was between 2.0 and 3.0 mm in each of the vertical, horizontal and extrusion directions and the foam planks had a density tolerance from 22 to 26 kg/m³. The planks were perforated at a perforation density of about 1.0 to 1.1 perforation per square centimeter to release blowing agent. The perforation is estimated to have opened about 5 to 15 percent of the cells to create planks having an open cell content in the range from about 20 to 25 percent. This product was sampled to some packaging fabricators for feedback starting in February 1998. Based on that feedback, Dow decided to discontinue production of that material.

However, Dow Deutschland did not maintain control over the samples to those fabricators. Dow Deutschland released/sold 58 cubic meters GREYFOAM in 1998

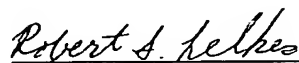
starting in February, 227 cubic meters GREYFOAM in 1999, and 146 cubic meters GREYFOAM in 2000. While some GREYFOAM was released before the September 17, 1998, priority date of this application, there is no admission at this time that such release or sale, if considered relevant to this application, would qualify as prior art. In that event, Applicant reserves the right to submit evidence of a prior date of invention.

In addition, The Dow Chemical Company and/or one or more of its affiliates manufacture and sell a polyethylene foam under the trademark ETHAFOAM*. ETHAFOAM* is an extruded polyethylene foam plank perforated at a perforation density of about 1.0 to 1.1 perforation per square centimeter to release blowing agent and manufactured at various plank widths. One grade of ETHAFOAM™* known as ETHAFOAM* Nova was manufactured sold in commercial quantities more than one year prior to the September 17, 1998, priority date of this application with the aim to have an average cell size of 2.30 mm when the plank width is greater than one meter. For cell size measurements in each measurement direction used to calculate the average cell size (vertical, horizontal and in the extrusion direction), a manufacturing tolerance from a 2.00 mm minimum to a 2.70 mm maximum is specified. This manufacturing tolerance allows for variability from the 2.30 mm average cell size.

The Dow Chemical Company and/or one or more of its affiliates also manufactured and sold more than one year prior to the September 17, 1998, priority date of this application commercial quantities of ETHAFOAM* having smaller average cell size specifications prior to the priority date of this application, such as ETHAFOAM* Nova in plank widths less than one meter and ETHAFOAM™ Select in various plank widths. Since that information is no more than cumulative to that provided above for ETHAFOAM* Nova having plank widths greater than one meter, Applicant believes additional information regarding those ETHAFOAM* products need not be included here. If the Examiner considers such information to be potentially material to the examination of this application, Applicant will provide the same upon request.

The Examiner is requested to review this information and formulate his own understanding thereof.

Respectfully submitted,



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INFORMATION DISCLOSURE STATEMENT <i>(Use Several Sheets if necessary)</i>				ATTY DOCKET NO. 44306A		SERIAL NO. 09/762,161	
				APPLICANT: Chung P. Park			
				FILING DATE: May 27, 1999		GROUP: 1711	

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE <i>IF APPROPRIATE</i>

FOREIGN PATENT DOCUMENTS								
		DOCUMENT NUMBER	PUBLICATION DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION	
							YES	NO

OTHER DISCLOSURES (Including Author, Title, Date, Pertinent Pages, Place of Publication, Etc.)		
	C1	Dow Deutschland Product Information sheet for GREYFOAM polyethylene foam plank published April 1998
	C2	
	C3	

EXAMINER	DATE CONSIDERED
*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to Applicant.	

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant (s): Chung P. Park

Application No.: 09/762,161

Filed: May 27, 1999

For: FOAMS USEFUL IN SOUND MANAGEMENT

Group Art Unit: 1711

Examiner: Unknown

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL WITH SUFFICIENT POSTAGE IN AN ENVELOPE ADDRESSED TO: ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231, ON: May 31, 2002 DATE OF DEPOSIT Amber K. Mobley PRINT OR TYPE NAME OF PERSON SIGNING CERTIFICATE <i>Amber K. Mobley</i> SIGNATURE OF PERSON SIGNING CERTIFICATE <i>May 31st 2002</i> DATE OF SIGNATURE

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

INFORMATION DISCLOSURE STATEMENT

Pursuant to Applicant's duty of disclosure under 37 CFR §1.56, the Examiner's attention is directed to the information identified in the attached Form PTO 1449. A copy of all cited patents and printed publications is enclosed together with Form PTO-1449 listing the same, except for U.S. Patent 4,154,785, which is already of record in the International Search Report issued in the international phase of this application. Documents C1 to C4 provide bibliographic information on earlier published patent family members of certain cited U.S. patent documents. Documents C5 and C6 provide bibliographic information on intervening patent family members of certain cited U.S. patent documents.

A concise explanation of the relevancy of the non-English language patent(s) and/or publication(s) is provided by the attached English language abstracts published by Derwent. A complete translation of foreign language references will be provided upon request.

U.S. Patent No. 5,776,390 is a patent family member of EP 602,262. EP 602,262 is cited as particularly relevant (category "X") in the International Search Report issued during the international phase of this application. Applicant notes that Example 3 in Table 2 of that patent describes a foam that has a perforation density of 20,000 needles per square meter and that column 4, lines 27-28, teaches "pore sizes of 20-36" cells per inch (which according to applicant's calculations based on the

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By: *Cg*

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described measurement method may approximate an average cell size in the range from 1.1 to 2.1 mm).

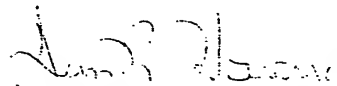
In addition, the assignee, The Dow Chemical Company, manufactures a polyethylene foam under the trademark ETHAFOAM™. ETHAFOAM™ is perforated at a perforation density of about 1.0 to 1.1 perforation per square centimeter to release blowing agent and manufactured at various plank widths. One grade of ETHAFOAM™ known as ETHAFOAM™ Nova was manufactured and sold prior to the September 17, 1998, priority date of this application with the aim to have an average cell size of 2.30 mm when the plank width is greater than one meter. For cell size measurements in each measurement direction used to calculate the average cell size (vertical, horizontal and in the extrusion direction), a manufacturing tolerance from a 2.00 mm minimum to a 2.70 mm maximum is specified. This manufacturing tolerance allows for variability from the 2.30 mm average cell size when the measurements in at least two of the three directions trend upward or downward from the 2.30 mm average cell size aim.

Dow also manufactured and sold ETHAFOAM™ products with smaller average cell size specifications prior to the priority date of this application, such as ETHAFOAM™ Nova in plank widths less than one meter and ETHAFOAM™ Select in various plank widths. Since that information is no more than cumulative to that provided above for ETHAFOAM™ Nova having plank widths greater than one meter, applicants believe additional information regarding those ETHAFOAM™ products need not be included here. If the examiner considers such information to be potentially material to the examination of this application, applicant will provide the same upon request.

Pending U.S. Patent Application Nos. 09/782,231; 09/783,574; and 09/802,383, and the U.S. national phase of PCT/US99/21569 (published as WO 00/15700), may be considered relevant to the examination of this application.

The Examiner is requested to review this information and formulate his own understanding thereof.

Respectfully submitted,



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akm

INFORMATION DISCLOSURE STATEMENT

(Use Several Sheets if necessary)

ATTY DOCKET NO. 44306A

SERIAL NO. 09/762,161

APPLICANT: Chung P. Park

FILING DATE: May 27, 1999

GROUP: 1711

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIATE
	A1	6,284,842	9/2001	Ho <i>et al.</i>	525	194	8/1998
	A2	6,251,319	6/2001	Tusim <i>et al.</i>	264	45.9	4/1999
	A3	6,225,366	5/2001	Raetsch <i>et al.</i>	521	134	5/1998
	A4	6,207,254	3/2001	Lee <i>et al.</i>	428	159	1/1999
	A5	6,030,696	2/2000	Lee	428	220	9/1997
	A6	6,007,890	12/1999	DeBlander	428	72	3/1998
	A7	5,929,129	7/1999	Feichtinger	521	134	7/1996
	A8	5,929,127	7/1999	Raetzsch <i>et al.</i>	521	81	5/1998
	A9	5,843,058	12/1998	Quist	604	369	11/1995
	A10	5,817,705	10/1998	Wilkes <i>et al.</i>	521	79	11/1996
	A11	5,801,208	9/1/1998	Lee	521	98	4/1997

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	PUBLICATION DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION YES	NO
	B1	WO 00/15700	23 Mar 2000	WIPO	C08J	9/00		NA
	B2	WO 94/13459	9 March 2000	WIPO	C08J	9/00		NA
	B3	WO 94/13460	6/1994	WIPO	B29C	67/22		NA
	B4	WO 90/14159	11/1990	WIPO	B01J	20/26		NA
	B5	WO 84/00901	3/1984	WIPO	B01D	39/00		NA

OTHER DISCLOSURES (Including Author, Title, Date, Pertinent Pages, Place of Publication, Etc.)

	C1	Front page only of WO 95/14136 published on May 26, 1995 (earlier published patent family member of A6 reference, US Patent 6,007,890)
	C2	Front page only of WO 98/02483 published on January 22, 1998 (earlier published patent family member of A7 reference, US Patent US 5,929,129)
	C3	Front page only of WO 94/28839 published on December 22, 1994 (earlier published patent family member of A9 reference, US Patent 5,843,058)

EXAMINER

DATE CONSIDERED

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EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIATE
	A12	5,776,390	7/1998	Fiddelaers <i>et al.</i>	264	50	
	A13	5,643,969	7/1997	Sakamoto <i>et al.</i>	521	81	
	A14	5,618,853	4/1997	Vonken <i>et al.</i>	521	60	
	A15	5,605,936	2/1997	DeNicola, Jr. <i>et al.</i>	521	50.5	
	A16	5,585,058	12/1996	Kolosowski	264	156	
	A17	5,567,742	10/1996	Park	521	143	
	A18	5,527,573	6/1996	Kolosowski	428	314.8	
	A19	5,424,016	6/1995	Kolosowski	264	156	
	A20	5,348,795	9/1994	Park	428	220	
	A21	5,242,634	9/1993	Matsumoto	264	25	
	A22	5,206,082	4/1993	Malone	428	294	

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	PUBLICATION DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION YES NO
	B6	674,578	10/1995	EPO	B29C	44/00	NA
	B7	190,889	4/1993	EPO	C08F	8/50	NA
	B8	3,514,817	10/1985	Germany	C08J	9/38	Abst
	B9	0-2188233	7/1990	Japan	B29C	67/20	Abst
	B10	6-2273826	11/1987	Japan	B29C	59/02	Abst

OTHER DISCLOSURES (Including Author, Title, Date, Pertinent Pages, Place of Publication, Etc.)

	C4	Front page only of WO 98/16575 published on April 23, 1998 (earlier published patent family member of A10 reference, US Patent 5,817,705)
	C5	Front page only of EP 879,844 published on November 25, 1998 (patent family member of A3 reference, US Patent 6,225,366)
	C6	Front page only of EP 884,355 published on December 16, 1998 (patent family member of A8 reference, US Patent 5,929,127)

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	A23	5,116,881	5/1992	Park <i>et al.</i>	521	143	
	A24	4,916,198	4/1990	Scheve <i>et al.</i>	526	351	
	A25	4,714,716	12/1987	Park	521	80	
	A26	4,548,775	10/1985	Hayashi <i>et al.</i>	264	45.5	
	A27	4,435,346	3/1984	Ito <i>et al.</i>	264	54	
	A28	4,423,101	12/1983	Willstead	428	76	
	A29	4,229,326	10/1980	Suh <i>et al.</i>	264	53	
	A30	4,154,785	5/1979	Inui <i>et al.</i>	264	45.5	
	A31	3,386,877	6/1968	Skochdopole <i>et al.</i>	161	160	
	A32	3,239,585	3/1966	Karpovich <i>et al.</i>	264	84	
	A33						

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	PUBLICATION DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION YES NO	
	B11	5-9030871	2/1984	Japan	C09D	05 & 07/12	Abst	
	B12							
	B13							
	B14							
	B15							

OTHER DISCLOSURES (Including Author, Title, Date, Pertinent Pages, Place of Publication, Etc.)

	C7	
	C8	
	C9	

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